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Attorney for Plaintiff.

UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA

GURMEET SINGH,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
 SECURITY, ET AL,

Defendants.

No. C 07-02202 JCS

**STIPULATION TO DISMISS;
~~PROPOSED~~ ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to the following:

1. The plaintiff filed an action in this Court on April 23, 2007, seeking review of the decisions by the U.S. Citizenship and Immigration Services ("USCIS") to deny his Form I-485 application for adjustment of status and the Form I-730 petitions that the plaintiff filed on behalf of his wife, step-son, and son.

2. USCIS *sua sponte* reopened the I-485 application and the I-730 petitions on January 29, 2008 and provided the plaintiff 87 days to submit whatever materials and legal argument he wishes to USCIS in support of his application for adjustment of status (Form I-485 application) and asylee petitions (I-730 petitions). On August 18, 2008, USCIS approved Plaintiff's I-730 petitions. On August 6, 2008, however, USCIS denied Plaintiff's Form I-485.

3. According to USCIS, Plaintiff is the subject of an outstanding Interpol Red Notice. While this litigation has been pending, Plaintiff retained a lawyer in India to attempt to

1 challenge, *in absentia*, the criminal charges underlying the Interpol Red Notice. Because
 2 Plaintiff believes that he has a good chance of dismissing those criminal charges in the next 2-3
 3 months, the parties have agreed to dismiss this action, without prejudice, with the understanding
 4 that if Plaintiff is successful in dismissing those charges, he will re-file his application for
 5 adjustment of status.

6 4. Both parties agree to bear their own costs and fees.

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 8 Dated: September 25, 2008

Respectfully submitted,

LAW OFFICE OF ROBERT B. JOBE

/s/

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 11 ROBERT B. JOBE
 Attorney for Plaintiff

12 Dated: September 25, 2008

MICHAEL B. MUKASEY
 United States Attorney General

/s/

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 16 CHRISTOPHER WAYNE HOLLIS
 Trial Attorney
 Office of Immigration Litigation
 Attorneys for Defendants
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~~PROPOSED~~ ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED that Plaintiff's complaint be dismissed without prejudice.

IT IS SO ORDERED.

Dated: September 26, 2008

